CLEAN WATER ACT
COMPLIANCE INSPECTION

Facility Name
[redacted]
(For EPA Purposes Only – [redacted] CAFO)

Facility Address
[redacted]

Investigation Date(s)
On-Site June 15, 2011
Fly-over November 9, 2010

Inspector(s)
Ashley Toy, Lead Inspector
U.S. Environmental Protection Agency, Region 3

and

Garth Connor, Inspector
U.S. Environmental Protection Agency, Region 3

This Report has been co-authored by the West Virginia Department of Environmental Protection and the U.S. Environmental Protection Agency, Region 3

WVDEP Concurs with this Report 08/22/2011 (Date) by Anthony J. Willis (Signature)

Report Final as of 8/22/2011 (Date) by [signature] (Signature)

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BACKGROUND

On November 9, 2010, Mahri Monson and Rebecca Crane of the United States Environmental Protection Agency (EPA) conducted a fly-over reconnaissance inspection of the poultry operation located at [redacted] Mathias, WV 26812 (the "Facility"). Photographs were taken in the area of the Facility and are attached (see Appendix A). A pile of uncovered material near a poultry house is shown in Photo 2010-11-09--15.16.26.

On June 9, 2011, Ashley Toy of the EPA spoke with Mr. [redacted] to schedule an inspection time for 9:30 a.m. on Wednesday, June 15, 2011. Ms. Toy told him the purpose of the inspection and why the Facility was selected. He said he raises crops and has a nutrient management plan. He does not have enough manure to meet crop needs to also uses commercial fertilizer. He does not import any manure. He finds that supplementing with commercial fertilizer (as opposed to using manure from other farms) is more efficient and cheaper. He also indicated he was still in the midst of planting due to delays caused by the wet spring. Ms. Toy is unaware of any history of on-site inspections by EPA prior to the June 15th inspection at this Facility.

ON-SITE INSPECTION SUMMARY

Overview

On June 15, 2011, representatives of the EPA, West Virginia Department of Environmental Protection (WVDEP) and West Virginia Department of Agriculture (WVDA) conducted an announced inspection at [redacted] poultry operation. The purpose of the inspection was to assess the facility's compliance with both federal regulations for concentrated animal feeding operations (CAFOs) as well as to determine if the facility fit the definition of a CAFO and needed to apply for a National Pollutant Discharge Elimination System (NPDES) permit with the state of West Virginia. Both [redacted] attended the inspection as facility representatives. Representatives of each of the departments were as follows:

- EPA
  - Ashley Toy
  - Garth Connor
- WVDEP
  - Anthony Willard
  - Robin Dolly
  - Matthew Alt
  - Brad Swiger
  - Stan Wolfe
  - Jason Ely
  - Kirk Powroznik
- WVDA
  - Jerry Ours
  - Jason Dalrymple
- WVU Extension
  - Dave Seymour

At approximately 9:30 a.m., EPA, WVDEP, and WVDA representatives arrived on-site and proceeded with routine biosecurity protocols. Ashley Toy and Garth Connor presented their credentials to [redacted] and explained the purpose of the inspection. Ms. Toy showed [redacted] the aerial fly-over photographs, and pointed out the photograph of the uncovered pile of material. The inspection consisted of an opening interview about the history and operations of the Facility, followed by a site tour of the Facility. Site maps for the report are contained in Appendix B, including Site Maps 1-4 using Google satellite images of the Facility as the base and Site Maps 5-6 using United States Geological Survey (USGS) topographic maps as the base. Photographs were taken during the site tour. Photograph numbers and descriptions were recorded in a photo graph log after each picture taken. Photograph log and photographs (Photos 1-47) are contained in Appendix C. No samples were taken. After concluding the inspection, we proceeded with exiting biosecurity protocols, and left the facility around 12:00 p.m.

Weather

During the inspection, the sky was partly cloudy and the air temperature was in the upper 70's to lower 80's. It did not rain during the inspection.

Facility Description

From interpolation of satellite imagery from Google Earth, the coordinates at the entrance to the Facility are [redacted], and indicated by the yellow thumb tack on Site Map 1. The Facility is owned and operated by [redacted]. At this Facility, [redacted] raises chickens under contract with [redacted], and has for the last twenty years ([redacted] was formally known [redacted]. We discussed the recent acquisition of [redacted] The Facility consists of, but is not limited to, six poultry houses, two manure sheds, a workshop, and a cattle barn. These structures are as labeled on Site Map 2. The manure sheds are referred to as "Manure Shed 1" and "Manure Shed 2." The poultry houses are referred to as numbers 1 through 6 with house number 1 being in the back of the property and house number 6 being closest to the front entrance.

Houses 1 and 2 were built in 1991. Houses 3 and 4 were built in 1992. Houses 5 and 6 were built in 2002 or 2003. Groups of houses operate under two separate [redacted] contracts as follows:

- Houses 1 – 4 are known as '[redacted] 1- 4" are 42' x 504' and house 31,000 birds each;
- Houses 5 and 6 are known as "[redacted] 5 – 6" and are 42' x 504' and house 31,000 birds each.

Together these houses have a total capacity of 186,000 broilers.

Other animals owned by [redacted] include as follows:

- Approximately 200 cow/calf Black Angus beef cattle pairs
- Approximately a dozen Black Angus bulls
- Approximately 200 feeder steers
- Approximately a dozen swine

- Approximately 31 cattle in the cattle barn

Cows are away from the poultry production area on nearby pastures. They are only fed in a confined area behind manure shed 1 during the winter months. Swine are free roaming around property. All cattle and some swine are sold off the farm. Only a few of the swine are kept for personal consumption by [redacted] and his family. [redacted] also leases additional property of approximately 15,000 which is comprised of half wooded and half open ground. The open ground consists of between 200 and 300 acres of hay and approximately 90 acres of corn.

Flock Rotation/Manure Management

Wood shavings were initially placed on the floors when the poultry houses began operation. The last total clean-outs were over 5 years ago. [redacted] keeps wood shavings on-site to add in periodically to help with moisture control. The birds on-site were placed 13-15 days prior to the date of the inspection. Flocks get picked up after being at the Facility about every 35 or 36 days with a 2 week layout between flocks. Layouts may be shorter if the demand for chicken is higher. There are typically 6 to 7 flocks per house, per year. During the 2 week layout crust-outs are performed based on litter condition. [redacted] uses a cruster for crust-outs. He estimates he removes 12 tons per house per flock. The manure removed from the poultry houses is then placed in the manure shed.

The inspection team noticed piles of manure near the drainage ditches to the east of the poultry houses. [redacted] explained that he had a leakage for the water lines. He removed the wet manure and placed it outside.

Poultry Houses/Heavy Use Area Protection

At the Facility, the exterior of six poultry houses were observed. No member of the inspection team entered any of the poultry houses. Houses 1-4 were equipped with sidewall ventilation, while houses 5 and 6 were equipped with tunnel ventilation. Ventilations exhaust fans were fairly free of dust at the time of the inspection. Ventilation exhaust fans are brushed off with a broom. Ventilation exhaust fans are in close proximity to a stream that runs parallel to the back of the poultry houses.

Each poultry house has a concrete pad at the end doors on each ends of the poultry houses. The pads showed build up of manure and soil and were in need of cleaning. Each house has double feed bins on the outside. The feed bins are on top of concrete pads. Spilled feed was observed on the concrete pads.

Manure Storage Area

There are two manure sheds on-site. Manure Shed 1 was built 10 years ago, while Manure Shed 2 was built 5 years ago. Both manure shed 1 and 2 have dimensions of 50' x 96'. Manure and soil was observed on the front pad of manure shed 2. Manure, soil, and bedding were observed on the front pad of manure shed 1. Wood shavings are being stored in Manure Shed 1 which decreases capacity for manure storage. Brewers grain was also being stored in Manure Shed 2. Both had equipment being stored inside.

Mortality/Compost Area

Mortality composting was done in manure shed 2 by covering mortalities with manure.

Cattle Barn

[redacted] also showed us the cattle barn where there were currently 31 head of cattle. He keeps them in the barn for about 6 months until they are 850 lbs. The cattle barn is pole structure supporting a roof. There are no sidewalls, but there are horizontal support beams. Feed is placed on the ground where cattle have to poke there head under the horizontal beams to feed.

Workshop/Burn Pit

About [redacted] At least one tank was observed behind the workshop next to the edge of the waterway.

Several lead batteries were observed on the ground outside the workshop. They appeared to be used; however, they were not clearly label or marked as waste or used. [redacted] said they were old. No leaks were observed; however, these batteries have the potential to breakdown over time.

What appeared to be an open burn pit, located next to House #1, was also observed. It appeared to be to burn trash and other debris outside without any controls.

An open floor drain in the farm's tool shed had a pipe that led directly into the waterway behind the workshop. [redacted] said that it had never discharged. He said it was installed because the workshop has a basement. We discussed the possibility of the pipe being capped. [redacted] seemed amendable.

Drainage

There are three primary drainage pathways that drain the areas around the manure sheds and poultry houses as shown on Site Map 3. The first is a waterway that runs in front of the east end of the manure sheds. The waterway appears to begin in the wooded upland. A cow was observed in the waterway, but there was no water. The portion of the waterway near the manure sheds is a V-shaped channel. The slopes are dirt without any vegetation. Access lanes to the front of the manure sheds were constructed through the waterway. There are culverts that measure 36" in diameter that run underneath the access lanes to each shed. This waterway had pocket of wet spots but no flowing water. Ponded water in the waterway appeared sediment-laden. This waterway goes under [redacted] and flows to [redacted] The culverts under the road were observed.

None of the poultry houses have gutters with down spouts. [redacted] said the flow between the houses flows to the east and said each house had a drainage ditch. These were observed. An

access lane was observed between Houses 1 and 2. [redacted] said that the roof water from house 1 drained to the culvert under the access lane and would then enter the ditch along House 2. He said all the other houses were designed the same. Access lanes are between Houses 3 and 4 and Houses 5 and 6. There is also a ditch along the north side of House 1 and the area where the stockpile of material had been. [redacted] said that the material was feed for the cattle. The area between houses without access lanes also had ditches. The ditches north of Houses 1-4 all flowed through culverts under an access lane to a waterway on the east side of the access lane. Ditches on the north side of Houses 5 and 6 flowed through culverts under the access lane to their individual ends and then flowed into the waterway. This waterway had pocket of wet spots but no flowing water. It was observed that algae growth. The waterway is partially vegetated, but has areas of erosion scars. It appears this waterway is being formed due to the stormwater runoff from the poultry houses. There were also noticeable deposits of manure along the edges of the waterway. This waterway goes under [redacted] and flows to [redacted] The culverts under the road were observed.

A third waterway flows from the west end of House 6 under the driveway.

[redacted] took us to a bridge that crosses [redacted] There was flowing water in the stream. [redacted] is mapped as a stream in the US National Hydrography Dataset (see Map 4).

SAMPLING

No samples were taken.

DOCUMENT REVIEW

No Facility documents were reviewed.

ADDITIONAL INFORMATION GATHERING

According to the USGS topographic maps, the Facility is within the Hydrologic Unit Code (HUC) 020700030502 (see Site Map 5). [redacted] is mapped as perennial streams (see Site Map 6) near the Facility [redacted] s a tributary of the Lost River which flows into the Trout Run which flows into the Cacapon River which flows into the Potomac River.

SUMMARY OF CONCERNS

1) Stormwater runoff can come into contact with manure, ventilation dust, and poultry and cattle feed. There were several man made ditches with culverts that help facilitate stormwater away from the poultry houses and towards [redacted] via waterways.

2) The capacity of the manure shed to store manure is being decreased by the storage of bedding material, feed, and equipment.
3) Chemicals including, but not limited to, diesel fuel, used oil, lead batteries, are stored on-site. The manners in which these chemicals are being kept do not have safeguards to prevent contact with stormwater in the event of a spill or leak. Any contaminated stormwater would only have a

short distance to travel into the closest waterway and drain to the [redacted]
Improvements to the current housekeeping practices may reduce or eliminate the potential for causing stormwater to become contaminated.

4) Any spills or leaks that occur in the workshop may enter the floor drain and discharge from the pipe to the waterway behind the workshop and drain to the [redacted]

APPENDIX A

Fly-over Photographs

2010-11-09--15.15.40

2010-11-09--15.16.00

2010-11-09--15.16.05

2010-11-09--15.16.11

2010-11-09--15.16.15

2010-11-09--15.16.18

2010-11-09--15.16.21

2010-11-09--15.16.23

2010-11-09--15.16.26

2010-11-09--15.16.33

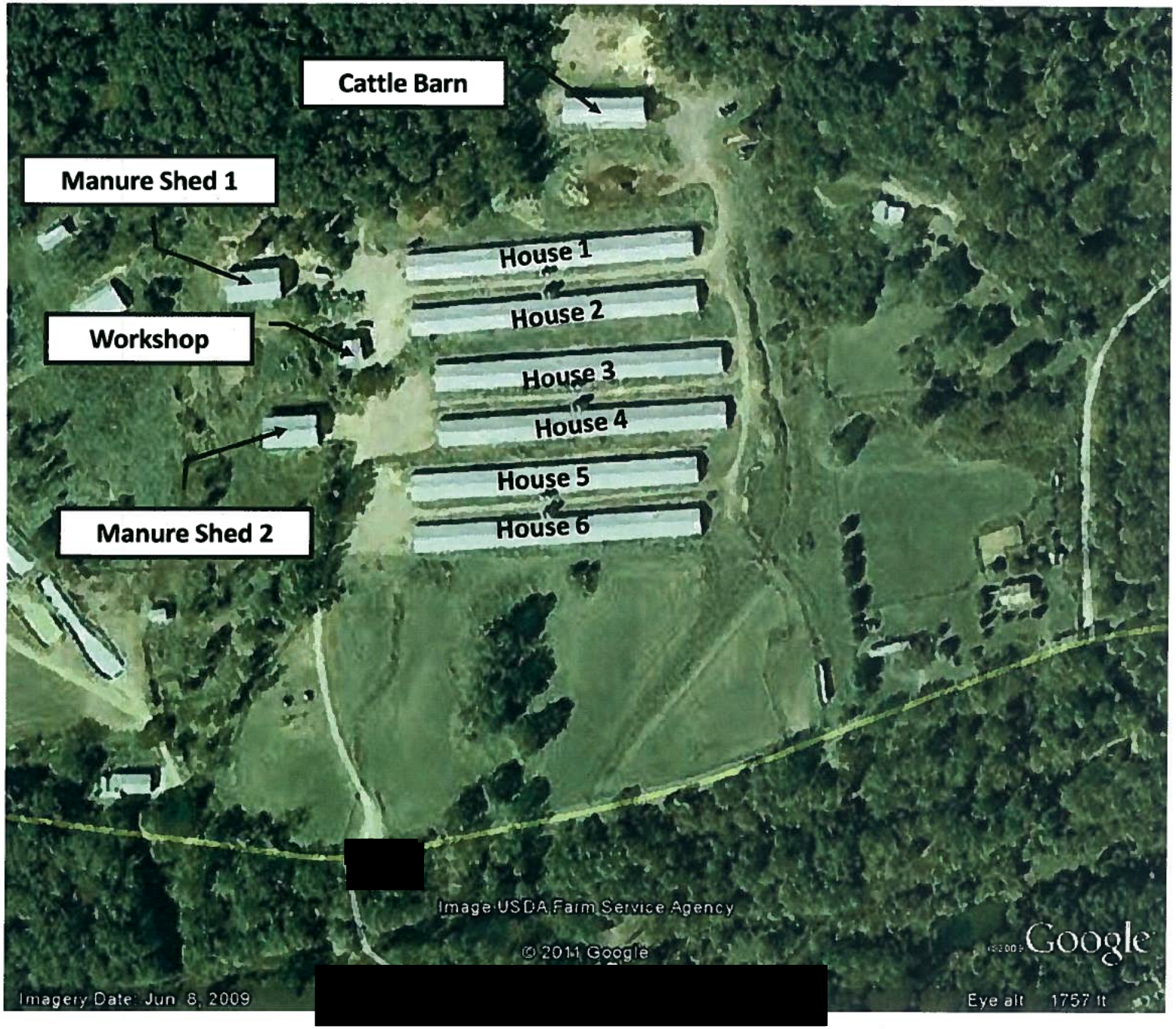
APPENDIX B

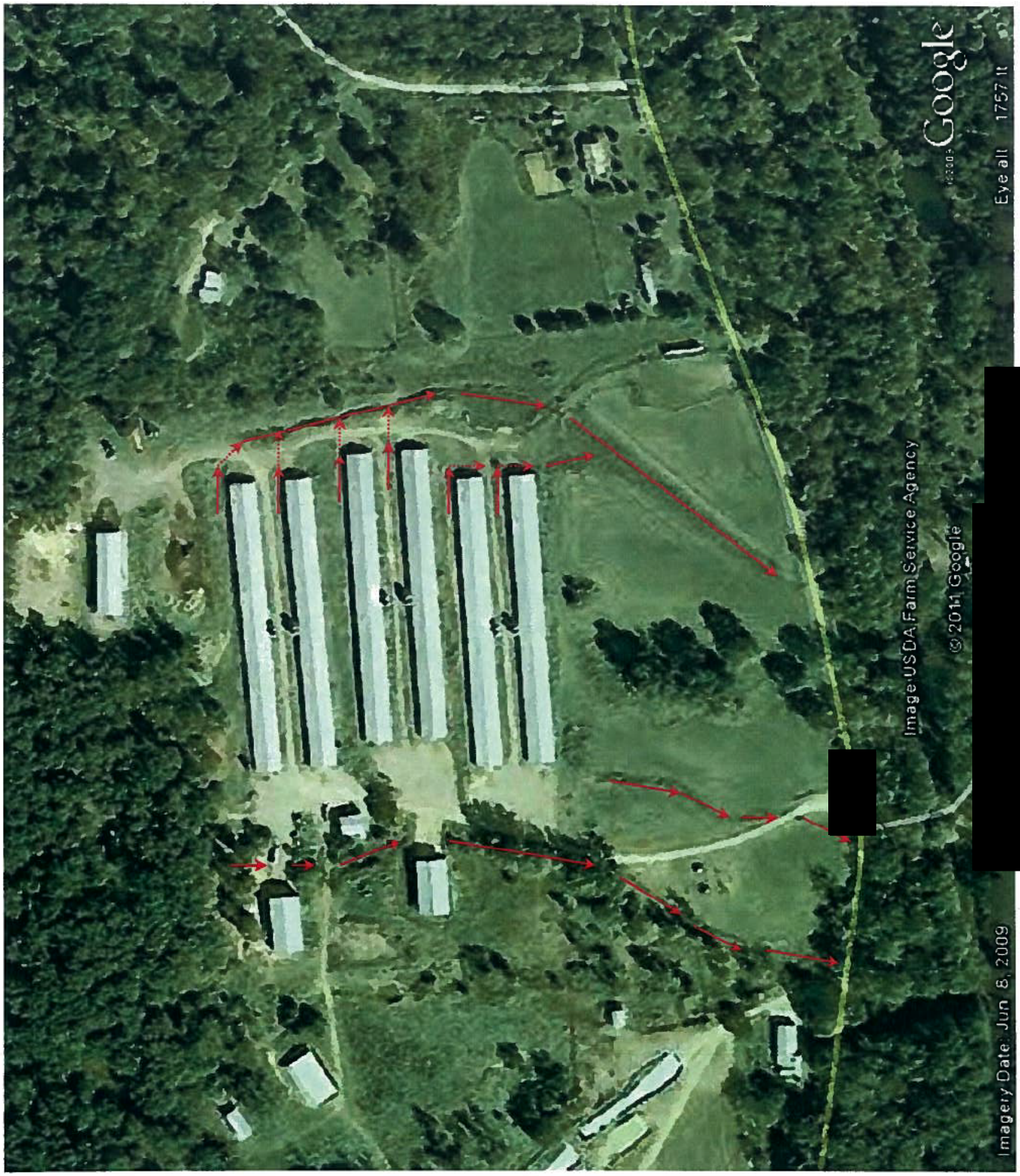
Site Maps

Google
Eye alt 1757 ft
Image USDA Farm Service Agency
© 2011 Google
Imagery Date: Jun 8, 2009

Site Map 1

Site Map 2


Cattle Barn
Manure Shed 1
House 1
House 2
Workshop
House 3
House 4
House 5
House 6
Manure Shed 2
[redacted]
Image USDA Farm Service Agency
© 2011 Google
Google
Imagery Date: Jun 8, 2009
[redacted]
Eye alt 1757 ft


Google
Eye alt 1757 ft
Image USDA Farm Service Agency
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Imagery Date: Jun 8, 2009

Site Map 3

Image USDA Farm Service Agency
Image © 2011 Commonwealth of Virginia
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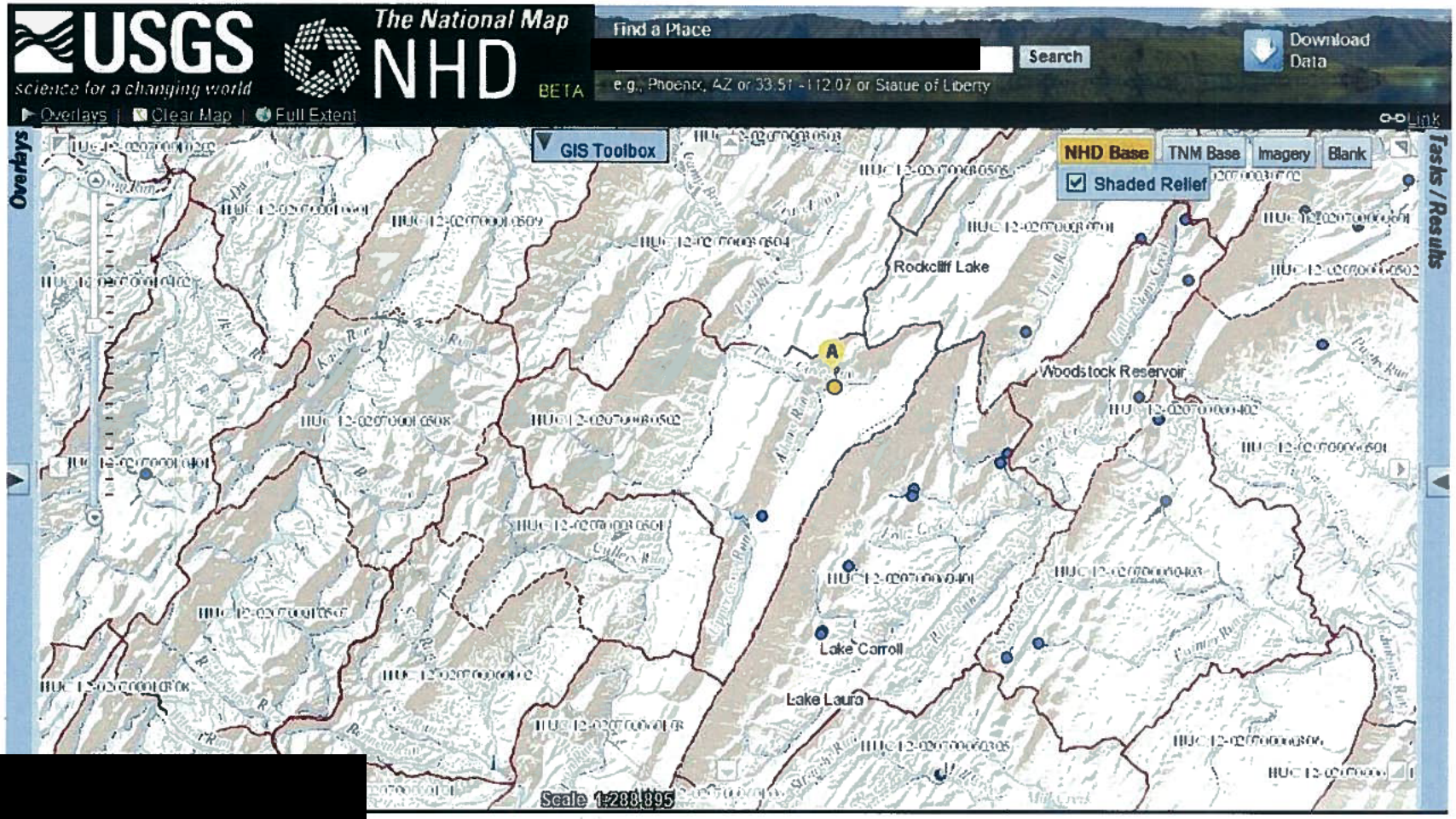
Google
Eye alt 7711 ft

Site Map 4

Site Map 5


USGS
science for a changing world
The National Map
NHD
BETA
Find a Place
Search
e.g., Phoenix, AZ or 33.51 -112.07 or Statue of Liberty
Download Data
Overlays | Clear Map | Full Extent
Link
Overlays
GIS Toolbox
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Woodstock Reservoir
Lake Carroll
Lake Laura
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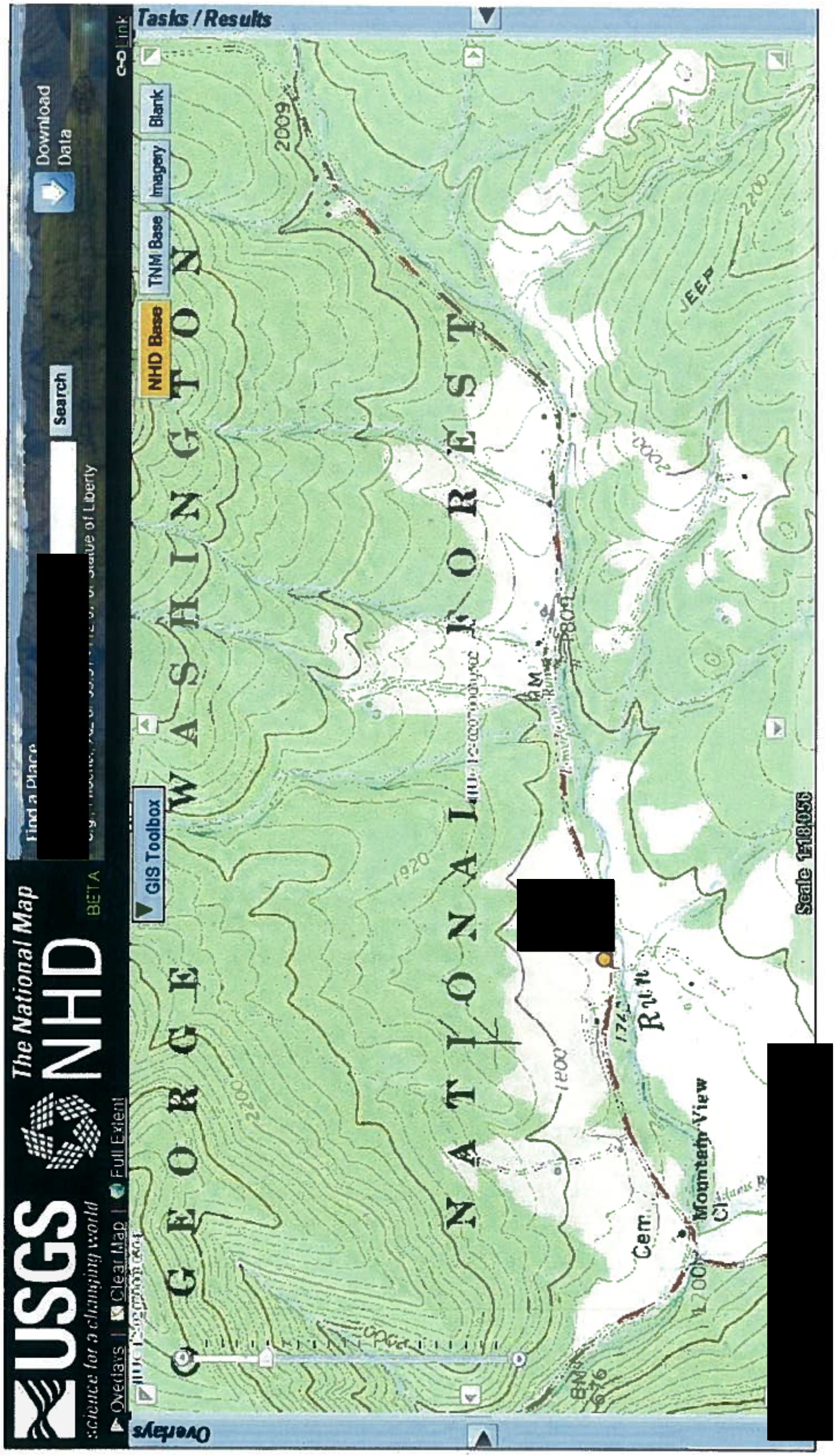
USGS
science for a changing world
The National Map
NHD
BETA
Find a Place
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Imagery
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GIS Toolbox
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Site Map 6